

Section I—Violation Data

1. Date Mo Da Yr 09/06/2006	2. Time (24 Hr. Clock) 1500	3. Citation/ Order Number 7688586
4. Served To Ricky Lewis, Supervisor		5. Operator JIM WALTER RESOURCES INC
6. Mine NO 4 MINE		7. Mine ID 01-01247 (Contractor)
8. Condition or Practice		

8a. Written Notice (103g)

The approved mine emergency evacuation plan was not followed on 8/7/2006. The carbon monoxide monitoring system went into alarm due to elevated carbon monoxide readings at 12:43 a.m. on the morning of 8/7/2006. Page 4; Section C Article 2 of the approved plan requires miners in the affected area be withdrawn outby the activated sensors. Supervisor Lewis failed to follow the approved plan in that affected miners on the No. 8 section were not withdrawn. Supervisor Lewis has engaged in aggravated conduct constituting more than ordinary negligence. This is an unwarrantable failure to comply with a mandatory health and safety standard.

See Continuation Form (MSHA Form 7000-3a)

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1502(a)
--------------	--	----------------------	--

Section II—Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is):	No Likelihood <input type="checkbox"/>	Unlikely <input type="checkbox"/>	Reasonably Likely <input checked="" type="checkbox"/>	Highly Likely <input type="checkbox"/>
B. Injury or illness could reasonably be expected to be:	No Lost Workdays <input type="checkbox"/>	Lost Workdays Or Restricted Duty <input type="checkbox"/>	Permanently Disabling <input type="checkbox"/>	Fatal <input checked="" type="checkbox"/>
C. Significant and Substantial:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	D. Number of Persons Affected: 010	
11. Negligence (check one)				
A. None <input type="checkbox"/>	B. Low <input type="checkbox"/>	C. Moderate <input type="checkbox"/>	D. High <input checked="" type="checkbox"/>	E. Reckless Disregard <input type="checkbox"/>
12. Type of Action 104(d)(2)		13. Type of Issuance (check one)		
		Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/>		
14. Initial Action		E. Citation/ Order Number		F. Dated
A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		7688351		Mo Da Yr 03/15/20
15. Area or Equipment No area or equipment affected.				

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
---------------------	---------------------	------------------------

Section III—Termination Action

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

Section IV—Automated System Data

19. Type of Inspection (activity code)	E03	20. Event Number 4296708	21. Primary or Mill
22. Signature <i>Paul D. Davis</i>			23. AR Number 24056

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 43rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.